



April 9, 2001

---

---

## ENGROSSED SENATE BILL No. 204

---

DIGEST OF SB 204 (Updated April 4, 2001 11:07 AM - DI 97)

**Citations Affected:** IC 20-6.1; IC 20-10.1.

**Synopsis:** Release of FERPA information and ISTEP scores. Provides that a school principal's performance evaluation may not be based wholly on ISTEP scores of students in the principal's school, but the scores may be used as one factor in the evaluation. Authorizes a school corporation or other entity to which the federal Family Educational Rights and Privacy Act (FERPA) applies to release education records to a juvenile justice agency.

**Effective:** Upon passage; July 1, 2001.

---

---

### Lubbers, Antich, Zakas

(HOUSE SPONSORS — ADAMS T, MUNSON)

---

---

January 9, 2001, read first time and referred to Committee on Judiciary.

February 22, 2001, reported favorably — Do Pass.

February 26, 2001, read second time, ordered engrossed. Engrossed.

March 1, 2001, read third time, passed. Yeas 47, nays 0.

#### HOUSE ACTION

March 12, 2001, read first time and referred to Committee on Education.

April 9, 2001, amended, reported — Do Pass.

---

---

C  
o  
p  
y

ES 204—LS 7368/DI 51+



April 9, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## ENGROSSED SENATE BILL No. 204

A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 20-6.1-4-17.4 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE UPON PASSAGE]: **Sec. 17.4. The evaluation of a**  
4 **principal's performance may not be based wholly on the ISTEP**  
5 **program test scores under IC 20-10.1-16 of the students enrolled**  
6 **at the principal's school. However, the ISTEP program test scores**  
7 **under IC 20-10.1-16 of the students enrolled at a principal's school**  
8 **may be considered as one (1) of the factors in the evaluation of the**  
9 **principal's overall performance at the school.**

10       SECTION 2. IC 20-10.1-22.4-3 IS ADDED TO THE INDIANA  
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
12 [EFFECTIVE JULY 1, 2001]: **Sec. 3. (a) As used in this section,**  
13 **"juvenile justice agency" has the meaning set forth in IC 5-2-5.1-6.**

14       **(b) A school corporation or other entity to which the education**  
15 **records privacy provisions of the federal Family Educational**  
16 **Rights and Privacy Act (20 U.S.C. 1232g) apply may disclose or**  
17 **report on the education records of a child, including personally**

ES 204—LS 7368/DI 51+



C  
o  
p  
y

1 identifiable information contained in the education records,  
2 without the consent of the child's parent, guardian, or custodian,  
3 under the following conditions:

4 (1) The disclosure or reporting of education records is to a  
5 state or local juvenile justice agency.

6 (2) The disclosure or reporting relates to the ability of the  
7 juvenile justice system to serve, before adjudication, the  
8 student whose records are being released.

9 (3) The juvenile justice agency receiving the information  
10 certifies, in writing, to the entity providing the information  
11 that the agency or individual receiving the information has  
12 agreed not to disclose it to a third party, other than another  
13 juvenile justice agency, without the consent of the child's  
14 parent, guardian, or custodian.

15 (c) For purposes of subsection (b)(2), a disclosure or reporting  
16 of education records concerning a child who has been adjudicated  
17 as a delinquent child shall be treated as related to the ability of the  
18 juvenile justice system to serve the child before adjudication if the  
19 juvenile justice agency seeking the information provides sufficient  
20 information to enable the keeper of the education records to  
21 determine that the juvenile justice agency seeks the information in  
22 order to identify and intervene with the child as a juvenile at risk  
23 of delinquency rather than to obtain information solely related to  
24 supervision of the child as an adjudicated delinquent child.

25 SECTION 3. An emergency is declared for this act.

C  
o  
p  
y



SENATE MOTION

Mr. President: I move that Senator Antich be added as coauthor of Senate Bill 204.

LUBBERS

C  
o  
p  
y



## COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 204, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 204 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 9, Nays 0.

C  
o  
p  
y



SENATE MOTION

Mr. President: I move that Senator Zakas be added as coauthor of Engrossed Senate Bill 204.

LUBBERS

C  
o  
p  
y



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 204, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-6.1-4-17.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 17.4. The evaluation of a principal's performance may not be based wholly on the ISTEP program test scores under IC 20-10.1-16 of the students enrolled at the principal's school. However, the ISTEP program test scores under IC 20-10.1-16 of the students enrolled at a principal's school may be considered as one (1) of the factors in the evaluation of the principal's overall performance at the school.**"

Page 1, line 6, delete "and".

Page 1, line 7, delete "Privacy".

Page 1, line 7, after "Rights" insert "**and Privacy**".

Page 2, after line 15, begin a new paragraph and insert:

"SECTION 3. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 204 as printed February 23, 2001.)

PORTER, Chair

Committee Vote: yeas 14, nays 0.

C  
o  
p  
y

